

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RONALD PERRY

Petitioner,

-against-

ADW MALONEY; WARDEN MORALES,

Respondents.

21-CV-9244 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Petitioner, appearing *pro se*, brings this petition for a writ of *habeas corpus* under 28 U.S.C. § 2241, challenging his prison disciplinary hearings. The Court dismisses the petition without prejudice for the following reasons.

Petitioner has previously submitted to this Court a substantially similar petition challenging his prison disciplinary hearings. That case is presently pending before the Court under docket number 21-CV-8039 (LTS).¹ As this petition raises the same claims, no useful purpose would be served by the filing and litigation of this duplicate lawsuit. Therefore, this petition is dismissed without prejudice to Petitioner's pending case under docket number 21-CV-8039 (LTS).

In light of the Court's belief that Petitioner may have submitted this duplicate petition in error, the Clerk of Court shall not charge Petitioner the \$5.00 filing fee for this action.

CONCLUSION

The Court dismisses this action as duplicative. The Court directs the Clerk of Court not to charge Petitioner the \$5 filing fee for this action. Because the petition makes no substantial

¹ By order dated September 28, 2021, the Court ordered Petitioner to pay the \$5.00 filing fee or submit an application to proceed *in forma pauperis*, that is, without prepayment of the fee. See *Perry v. Maloney*, ECF 1:21-CV-8039, 2.

showing of a denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to mail a copy of this order to Petitioner and note service on the docket.

SO ORDERED.

Dated: November 12, 2021
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge